IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition Nos. 10534 & 10981 of 1999

Network Clothing Company rep.
By Proprietor
S.F.No.752 & 760
Susiapuram Colony Road
Tiruppur 641 601. .. Petitioner in W.P.No.10534/99

Majestic Exports rep. By
Power of Attorney Holder
Tiruppur. .. Petitioner in W.P.No.10981/99

Versus

1.Union of India rep by
The Secretary to Government
Ministry of Textiles, New Delhi.

2.The Apparel Export Promotion Council rep by its
Director General
NBCC Tower,
15, Bhikaji Cama Place
New Delhi 110 068.

3.The Addl.Director General
The Apparel Export Promotion Council
NBCC Tower,
15, Bhikaji Cama Place
New Delhi 110 068.

4.The Director
Apparel Export Promotion Council
Bungalow Road, Tiruppur 641 602.
.. Respondents in both the W.Ps.

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Prayer in W.P.No.10534 of 1999: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus calling for the proceedings of the first respondent made in AEPC/REG/QA/A/1-AM/99 dated 20.4.1999 and quash the same and consequently issue directions directing the respondents to pass orders to reimburse Rs.6,41,835.50/- to the petitioner with interest within a time frame.

Prayer in W.P.No.10981 of 1999: Petition filed under Article 226 of the

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Constitution of India praying for the issuance of a Writ of certiorarified mandamus calling for the proceedings of the first respondent made in AEPC/REG/QA/A/1-AM/99 dated 20.4.1999 and quash the same and consequently issue directions directing the respondents to pass orders to reimburse Rs.13,39,626/- to the petitioner with interest within a time frame.

For petitioners : Mr.Mohana Sundararajan

For respondents : No appearance

O R D E R

Heard Mr.Mohana Sundararajan, the learned counsel appearing for the petitioners.

2.Both the writ petitions have been filed challenging the communication, dated 20.4.1999, issued by the third respondent relating to the representations, dated 24.3.1999 and 23.3.1999, sent by the petitioners regarding the embargo on 1998 quotas in CAT. EU 26.

3.On a reading of the impugned communication, it is seen that the request of the petitioners have been recommended to the Government of India. However, the recommendation has not been accepted by the Government of India.

3.Thus, it is clear that the impugned communication, cannot be subjected to challenge as no decision has been arrived at or recorded therein. Further, no adverse orders have been passed against the petitioners by the impugned communication, dated 20.4.1999, issued by the third respondent.

4.At this stage of the hearing of the writ petition, the learned counsel for the petitioners submitted that the petitioners may be permitted to make appropriate representations to the first respondent, namely, the Secretary to Government, Union of India, Ministry of Textiles, New Delhi, seeking the necessary reliefs.

5.On such submission being made, it is made clear that it is open to the petitioners to make the necessary representations to the concerned authorities seeking the reliefs as found necessary by the petitioners. In such circumstances, the writ petitions stand dismissed with the above observations. No costs.

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sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Secretary to Government
Union of India
Ministry of Textiles, New Delhi.

2.The Director General
The Apparel Export Promotion Council
NBCC Tower,
15, Bhikaji Cama Place
New Delhi 110 068.

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The Apparel Export Promotion Council
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4.The Director
Apparel Export Promotion Council
Bungalow Road, Tiruppur 641 602.

+ Two ccs to Mr. A. Jenasanan, Advocate SR. 69307 & 69308

NG(CO)
RP 4/12/2007

सत्यमेव जयते

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